

A regular meeting of the Redmond City Council was called to order by Mayor Pro Tempore Richard Cole at 7:30 p.m. in the Council Chambers. Council members present were: Dorning, McCormick, Misener, Paine, Plackett, and Robinson.

ITEMS FROM THE AUDIENCE

Diane Charles, 16150 NE 85 Street, Suite No. 107, Woodlawn Optical in Village Square, representing the Greater Redmond Chamber of Commerce, said in the past her customers have told her they shop in Redmond because traffic is so bad in Bellevue, but she isn't hearing that anymore. She is now hearing that traffic is so bad in Redmond, it is difficult to maneuver through town, and downtown parking is inadequate. She asked the Council to consider policies for parking in the different areas. She also wondered if there were short-term ways to provide immediate relief that would be less costly than the proposed improvements to Bear Creek Parkway. She encouraged the city to stay on schedule with the transportation plan, and emphasized that the north-south alignment is as critical as the east/west alignment. She concluded with the request to not change the character of Redmond.

Karen Bates, 16225 NE 87 Street, thanked the city and the Council for the donation of \$10,000 to the Family Resource Center. She said one of the greatest issues on the Eastside is that people in need are almost invisible and there are many people in need in our own community. She said the donation will be matched by a Paul Allen Grant, will help pay off the Family Resource mortgage, and provide cost-cutting measures to the Hopelink agencies.

Todd Stevens, 10312 163 Avenue NE, and Tracy Hoiem, 10333 163 Place NE. Mr. Stevens said he approached the traffic division a year ago about his concern with speeding traffic in his neighborhood and asked if any traffic calming measures could be instituted. He noted it has taken a year to get the information that the average speed on NE 104 Street (a 25 miles per hour zone) is thirty-four miles per hour. Since the average speed is not thirty-five miles per hour, the city cannot use traffic calming measures to alleviate speeding traffic. He stated it is unacceptable that the city cannot do anything except use police enforcement to slow down traffic on NE 104 Street; something more consistent than that is needed. He suggested a stop sign be placed on NE 104 Street at 163 Avenue NE or 164 Avenue NE.

Don Cairns, Transportation Division Manager, apologized on behalf of the city for the delay in responding to

Mr. Stevens. He explained that speed humps can not be installed because the amount of traffic at that intersection does not meet the criteria. He also explained that stop signs are used to stop traffic, not as traffic-slowng devices. Mr. Cairns agreed that there is a fair amount of high-speed traffic on the roadway. The tests have shown that eighty-five percent of the traffic goes thirty-four miles per hour. He said NE 104 Street is an arterial traveled by four thousand to five thousand vehicles per day. He explained that the guidelines indicate more education and enforcement are warranted rather than speed humps. He agreed that the suggestion to do more enforcement combined with the speed trailer is a good idea, and added the city may want to try it on NE 104 Street as a pilot in connection with a blend of education and enforcement tools.

Councilmember McCormick said she heard the same complaint at this year's National Night Out Against Crime and suggested that the Planning and Public Works Committee discuss the issue.

#### CONSENT AGENDA

Motion by Mr. Robinson, second by Mr. Misenar, to approve the following items of the Consent Agenda:

(1) approve the minutes of the regular meeting of July 15, 2003

(2) approve the following payroll/direct deposit and claims checks:

##### PAYROLL/DIRECT DEPOSIT CHECKS:

#155540 through 155869; and  
#112323 through 113468     \$2,462,406.57

##### CLAIMS CHECKS:

#207327 through 208352     \$6,720,324.21

(3) approve consultant agreement for plan checking and design review services, on-call engineering, and surveying services with Roth Hill Engineering Partners, Inc., and authorize the Mayor to execute the agreement on behalf of the City of Redmond

(4) authorize the Mayor to execute, on behalf of the City of Redmond, a consultant agreement with R.W. Beck to provide engineering services for preparation of the city's 2003-2013 General Sewer Plan, Project No. 02-SS-35, in an amount not to exceed \$240,000, including contingency

(5) approve Letter of Intent with Redmond Community Properties relative to the architectural design competition for City Hall Development, Project No. 95-CI-77; and authorize the Mayor to sign the Letter of Intent

(8) approve Resolution No. 1174, rejecting all bids received by the city on the Water Conservation Demonstration Garden Project, Project No. 99-OW-30, which was presented and read

(9) approve the Family Resource Center request for \$10,000 in matching funds from Council contingency to allow the Center to take advantage of a matching grant, available through September 30, 2003, from the Paul G. Allen Charitable Foundation, representing a request that is, otherwise, ineligible for funding through the city's Community Development Block Grant (CDBG) process.

Upon a poll of the Council, Cole, Dorning, McCormick, Misenar, Paine, Plackett, and Robinson voted aye. Motion carried (7 - 0)

CONSULTANT AGREEMENT FOR CONSULTING SERVICES FOR IMPLEMENTATION OF UTILITY INFRASTRUCTURE INFORMATION SYSTEM

The Mayor, in a memorandum to the City Council dated August 19, 2003, advised that the project is scheduled to commence in September 2003 with completion in the first quarter of 2004. The General Sewer Plan update is dependent upon this system development and requires the use of this new system for system mapping and analysis. She recommended approval of the agreement.

Motion by Ms. McCormick, second by Mr. Misenar, to authorize the Mayor to execute, on behalf of the City of Redmond, a consultant agreement with Intergraph Corporation for the Utility Infrastructure Information System in the amount of \$140,980, and authorize staff to approve extra work as needed up to a total contract amount of \$155,000. Motion carried unanimously (7 - 0).

CONSULTANT AGREEMENT FOR ENGINEERING SERVICES, OLD REDMOND ROAD IMPROVEMENTS, 132 AVENUE NE TO 140 AVENUE NE, PROJECT NO. 03-CI-07

The Mayor, in a memorandum to the City Council dated August 19, 2003, advised that this project will improve approximately one-half mile of Old Redmond Road for bicycle, pedestrian, and vehicular traffic by completing planned corridor improvements from 132 Avenue NE and 140 Avenue NE, and recommended approval of this agreement.

Responding to concerns expressed by Councilmember McCormick, Lisa Singer, Project Manager, explained that widening and improvements to the road will be from 132 Avenue New to 136 Avenue NE. She continued that the segment from 136 Avenue NE to 140 Avenue NE is the oldest segment, and staff wants to bring it up to the standards of the improved section with bike lanes, medians, and turn lanes, which can be provided with channelization without widening the road.

Bill Campbell, City Engineer, added that with this preliminary portion of the project there is an economy of scale to do everything together. He said staff would determine the cost so the Council could decide whether to include 136 Avenue NE to 140 Avenue NE in the construction portion. He said staff has some concerns about the bridge, and there could also be some economies in the construction. He said part of the preliminary design study would be to clear that up so the Council can make choices.

Motion by Ms. McCormick, second by Ms. Dorning, to approve a consultant agreement with Otak for engineering services for Old Redmond Road Improvements, 132 Avenue NE to 140 Avenue NE, Project No. 03-CI-07, in an amount not to exceed \$210,000 including contingency; authorize the

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Mayor to sign the agreement; and authorize staff to obtain all necessary rights-of-way and easements to construct the project. Motion carried unanimously (7 - 0).

PUBLIC HEARING - NE 65 STREET RIGHT-OF-WAY VACATION (ADJACENT TO LAKE WASHINGTON TECHNICAL COLLEGE SITE), RV 02-002

The Mayor, in a memorandum to the City Council dated August 19, 2003, advised that the Lake Washington Technical College has applied for a building permit that requires the approval of this vacation before it can proceed with construction. As part of the vacation ordinance, the city will retain a walking trail and utility easement within this area.

The Mayor Pro Tempore opened the public hearing at 8:14 p.m.

Jim Stevens, 6505 176 Avenue NE, Director of Campus Services, Lake Washington Technical College (LWTC), said the property owned by the City of Redmond is independent and disconnected from the LWTC property. He said LWTC wants to make it a part of its new Redmond campus and would use it to develop bicycle and pedestrian pathways to further connect to Marymoor Park and the College. In return, LWTC is offering an easement for development of a future sewer lift station.

Hearing no further testimony, the Mayor Pro Tempore declared the public hearing closed at 8:15 p.m.

Motion by Ms. Dorning, second by Ms. McCormick, to adopt Ordinance No. 2173, as requested by LWTC and D. Alan Bond (underlying property owner), to vacate a portion of NE 65 Street right-of-way that lies on the south boundary of the LWTC site and west of the intersection of NE 65 Street and 176 Avenue NE.

Ordinance No. 2173, vacating a portion of the right-of-way of NE 65 Street lying west of 176 Avenue NE, pursuant to RCW 35.79 and RMC 20F.40.110, subject to the reservation of certain easements, City File No. RV-02-001, was presented and read.

Upon a poll of the Council, Cole, Dorning, McCormick, Misener, Paine,

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Plackett, and Robinson voted aye.  
Motion carried unanimously (7 - 0).

PUBLIC HEARING - REVISIONS TO REDMOND MUNICIPAL CODE CHAPTER  
12.14, TELECOMMUNICATIONS

The Mayor, in a memorandum to the City Council dated August 19, 2003, reported there should be positive impacts on the city's service delivery resulting from approval of this ordinance. The revisions will also help to ensure that the city's telecommunications rules comply with federal and state law, as well as with recent court case rulings.

The Mayor Pro Tempore opened the public hearing at 8:16 p.m.

Andrew Nenninger, Real Estate Manager with T-Mobile, said T-Mobile currently has a pending Franchise Agreement before the city that has been deemed complete, and is concerned that the proposed ordinance was not received until August 14, 2003. He concluded T-Mobile has not had enough time to work effectively with staff or provide input, and is requesting a month to review the ordinance.

Rob Crittenden, Project Manager, explained that the ordinance was originally sent to all of the telecommunications companies on record in February 2003, and again after revisions in July 2003. He said T-Mobile was on the original list in February, and that Mr. Nenninger requested another copy last week.

Councilmember Misenar asked if the Council could take two Council meetings to approve the ordinance rather than taking action at the next meeting.

James E. Haney, City Attorney, responded that action is not required in any particular timeframe. He further explained that, technically, this ordinance does not require a hearing, but staff wanted to make sure testimony was taken. He concluded normally the code requires that franchise ordinances be introduced at one meeting and passed at the next, but this is an ordinance amending the Redmond Municipal Code, so that timeframe does not apply.

Scott Hager, Verizon, the local exchange carrier serving the City of Redmond, said there are a few outstanding issues; the ordinance may require permits with a ten-day notification period, and associated work that does not impact vehicular traffic. He stated that Verizon would like to establish a blanket permit with

the city for these types of activities, which they have done with other municipalities.

Mr. Hager acknowledged that Verizon is obligated to abide by the requirements of the city, and concluded that Verizon believes it to be in the best interest to work with staff on development of this ordinance.

Motion by Mr. Paine, second by Ms. Plackett, to continue the public hearing to September 16, 2003.  
Motion carried unanimously (7 - 0).

PUBLIC HEARING - HUMAN SERVICES FUNDING ADVISORY COMMITTEE  
RECOMMENDATIONS FOR 2004 COMMUNITY DEVELOPMENT BLOCK GRANT  
DOLLARS

The Mayor, in a memorandum to the City Council dated August 19, 2003, recommended approval of the Human Services Funding Advisory Committee recommendations.

The Mayor Pro Tempore opened the public hearing at 8:27 p.m. Hearing no testimony, the Mayor Pro Tempore declared the public hearing closed at 8:28 p.m.

Councilmember Misenar asked about the \$15,000 special enterprise project. Ms. Maxim replied the revenues the city can contribute to Human Services is limited; the money would be set aside as a reserve so something could be done if it proved feasible. She said an actual project has not been identified.

Motion by Ms. Dorning, second by Ms. McCormick, to approve the recommendations of the Human Services Advisory Committee regarding allocations for 2004 capital projects and public service programs funded by federal Community Development Block Grants, as follows:

- \$105,000 to Hopelink/Child Care resources for economic development (help with employment and child care costs)
- \$50,000 to ARCH's Housing Trust Fund
- \$30,000 for housing repair
- \$15,000 for a special enterprise to create a revenue-generating project whose proceeds benefit persons at risk.

Motion to amend the main motion by Ms. McCormick, second by Ms. Dorning,

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that the \$15,000 special enterprise project be presented to the Council prior to allocating the funds. Motion carried (5 - 2) with Plackett and Robinson voting nay.

Main motion as amended carried unanimously (7 - 0).

PUBLIC HEARING - RESOLUTION: ONE-YEAR EXTENSION OF SAFECO DEVELOPMENT AGREEMENT

The Mayor, in a memorandum to the City Council dated August 19, 2003, recommended approval of the one-year extension of the Safeco Development Agreement to May 27, 2005.

James L. Roberts, Deputy Planning Director, reported that Phases I and II have been built, and the development agreement established an approval timeframe for six years that expires in May 2004. He said Safeco still has a third phase to build subject to that agreement, and has requested time to work with staff. He concluded staff recommends approval of the extension, and Safeco and staff are confident they can accomplish their goal within the one-year extension.

The Mayor Pro Tempore opened the public hearing at 8:50 p.m.

Marsha Martin, Foster Pepper Shefelman, 1111 Third Avenue, Suite 3400, Seattle, 98101, testified on behalf of Safeco. She said the agreement expires on May 27, 2004, and Safeco is prepared to move forward if the Council does not approve the extension. She stated that if the one-year extension is approved, Safeco would work with staff to determine what Phase III will look like.

Hearing no further testimony, the Mayor Pro Tempore declared the public hearing closed at 8:55 p.m.

Motion by Ms. Dorning, second by Mr. Misenar, to approve Resolution No. 1175, extending the Safeco Redmond Campus Phase III Development Agreement for one year.

Resolution No. 1175, approving an amendment to the development agreement for Phase III of the Safeco Redmond Campus at the southwest corner of 156 Avenue NE and NE 51 Street, was presented and read.



Upon a poll of the Council, Cole, Dorning, McCormick, Misenar, Paine, Plackett, and Robinson voted aye. Motion carried unanimously (7 - 0).

#### PUBLIC HEARING - CABLE TV ORDINANCE UPDATE

The Mayor, in a memorandum to the City Council dated August 19, 2003, advised that the proposed cable television ordinance provides a more comprehensive set of regulations governing cable television franchises. It provides for enhancements with respect to technology, customer services, accountability, community programming, and safety, and will govern any changes to the franchise in the future.

The Mayor Pro Tempore opened the public hearing at 8:55 p.m. Hearing no testimony, the Mayor Pro Tempore declared the public hearing closed at 8:56 p.m.

#### REPORTS

##### Staff Report - City Hall Project Update

Mike Paul, Project Manager, updated the Council on the City Hall project schedule:

- The interior architect met with staff and the Strategic Leadership Team (SLT)
- The website is operational
- September 9, 2003 - architect design competition presentations, 7:00 to 10:00 p.m.
- September 11, 2003 - open house for public input, 6:00 to 8:00 p.m., Tech Center
- September 13 - open house for public input, 9:00 to 11:00 a.m., Tech Center
- September 15 - special meeting, selection of architect, 7:30 p.m.

Councilmember McCormick asked if there would be anything that might cause the Council to go into executive session at the September 15, 2003 special meeting when a decision will be made on the architect. James E. Haney, City Attorney, explained that if the Council desires advice from legal counsel, it could require an executive session, but normally, entering into contracts does not require an executive session.

Responding to a question from the Council, Mr. Paul advised that staff has met with the Design Review Board, and has invited the various board and commission members to participate in all the events and to offer formal comments before deliberations on September 15, 2003. Mr. Paul assured Councilmembers they would

receive a report of the comments received at the open houses.

David Rhodes, Public Works Director, clarified that the city would not enter into a contract with an architect until the bonds are sold; this process is just to select an architect.

#### OMBUDSMAN REPORT

Councilmember McCormick said when she attended National Night Out Against Crime events residents expressed concern about how to deal with cut-through traffic and speeding traffic through neighborhoods.

Councilmember McCormick received an email from a neighbor in Sunrise Park about homeowner maintenance of sidewalks. She said staff advised the individual that sidewalk maintenance is the homeowner's responsibility, and the individual made a suggestion that the city make that information available to the general public.

Councilmember Misenar received a letter from RABANCO dated August 13, 2003, indicating that RABANCO would like to have the opportunity to submit a proposal for the solid waste and recycling contract, but had not received a response.

Councilmember Plackett said she attended a homeowners' association meeting at Sixty-01 where residents are working on a solution with the state Department of Fish and Wildlife on the mute swan issue.

Councilmember Cole was contacted by a citizen concerned about standing water and concerns about the West Nile Virus.

Councilmember Cole said he was contacted by individuals asking if the Council would consider revisiting the tree ordinance to grant more flexibility, since the present ordinance is very restrictive.

James L. Roberts, Assistant Planning Director, said staff has more than enough information to revisit it, and can start assembling the material for the Council.

Councilmember Paine asked if the ordinance would have to go back through the Planning Commission. Roberta Lewandowski, Planning and Community Development Director, advised that there is some room for administrative guidance. She said there is lot to discuss before deciding to go forward with any change.

NOTICE OF INTENT FOR MAGE ANNEXATION, L030210

The Mayor, in a memorandum to the City Council dated August 19, 2003, advised that the city received an application to annex 34.45 acres in the North Redmond neighborhood, and recommended approval of the Notice of Intent and authorizing circulation of the Direct Petition.

Motion by Mr. Robinson, second by Ms. McCormick, that the annexation proposed by the "Notice of Intent to Petition for Annexation-Mage Annexation (File L030210)" filed with the city on July 18, 2003, be accepted and the Direct Petition be authorized for circulation. The Direct Petition must indicate that territory within the annexation contemplated shall be subject to the following conditions:

1. All property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Redmond is assessed and taxed to pay for the portion of any then outstanding indebtedness of the City of Redmond, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation.
2. All property within the proposed annexation area shall be subject to the Redmond Community Development Guide and the subsequent proceeding pursuant thereto.
3. Zoning for the proposed annexation area shall be R-1 and R-4 as indicated respectively by the city zoning map under F-1P and R-4P (pre-annexation zoning) boundaries.

Motion carried unanimously (7 - 0).

RECESS

The Mayor Pro Tempore declared a recess at 9:25 p.m.  
The meeting reconvened at 9:35 p.m.

ARCH HOUSING TRUST FUND REQUEST

The Mayor, in a memorandum to the City Council dated August 19, 2003, recommended approval of the allocation as recommended by the ARCH Executive Board.

Motion by Ms. Dorning, second by Mr. Paine, to allocate \$50,000 from the affordable housing funds in the General Government CIP to support the following two projects:

1. \$40,000 to support rehabilitation of the 18-unit Chalet Apartments in the Eastgate neighborhood of Bellevue by the Saint Andrews Housing Group, with conditions as recommended by the ARCH Executive Board.
2. \$10,000 to support a demonstration program aimed at creating Accessory Dwelling Units (ADU's) for persons with special needs.

Motion carried unanimously (7 - 0).

REDMOND WAY MONOPOLE, CUP 02-001

The Mayor, in a memorandum to the City Council dated August 19, 2003, recommended denial of the application for a monopole in a residential zone.

Mayor Pro Tempore Cole acknowledged the Council's receipt of a number of emails from constituents. He stated that it is a quasi-judicial matter, and the Council can not have any ex parte communication with citizens. He asked the Councilmembers to disclose any communication with citizens on this issue.

Councilmember Misenar said he received emails from concerned residents, but did not engage in any conversations.

Councilmember McCormick said she received eighteen emails from constituents. She read parts of some of them and responded to the senders that the matter was quasi-judicial, and explained what that means. She added she did not engage in any conversation about the issues.

James E. Haney, City Attorney, said the Councilmembers all received the transcript of the hearings before the Hearing Examiner, and asked if there was anything in

the emails that was not covered in the hearings. Councilmembers Cole and McCormick responded that they did not recall. Councilmembers Dorning and Robinson said they acknowledged receiving emails, but did not read them. Councilmember Paine said he read a few, and the issues were covered in the Hearing Examiner's report, but he did not respond. Councilmember Plackett said she was the Ombudsman and replied to a few, explaining that the matter was quasi-judicial and that she could only discuss the process, not the issues.

Upon a query to the audience whether there were challenges to any Councilmembers, none was heard.

James L. Roberts, Assistant Planning Director, distributed color copies of maps submitted by the applicant showing coverage before and after the proposed monopole.

Judd Black, Planning Manager, said things that cannot be considered include electromagnetic frequency (EMF) and health; the Council can consider aesthetics, whether monopoles can be allowed in residential areas, and under what circumstances.

Mayor Pro Tempore Cole opened the floor to proponents to speak for a total of ten minutes.

John Hendrickson, Davis Wright Tremaine, 1800 Bellevue Place, Bellevue 98004, representing the applicant, T-Mobile, requested that the Council uphold the recommendation of the Hearing Examiner for locating a monopole in the right-of-way at Redmond Way and approximately 140 Avenue NE. He said this is right-of-way, not private property, it co-locates with other utilities, and is a replacement pole for an existing pole. He pointed out that cities and counties are urging the industry to do this when it is feasible from an engineering standpoint, and it is considered ideal from an aesthetics standpoint because it is still a utility pole. He concluded the intent is to get above the trees to provide the service to people who need it.

Mr. Hendrickson stated he just learned of a staff memorandum to the Council dated August 19, 2003 that was included in the Council packet that was not transmitted to the parties of record. He said given the way the memorandum was disseminated, it was ex-parte communication, and contained new argument that staff had not stated before. He added that some of the information in the memorandum characterizes positions stated by the public that are not so. He asked that the Council disregard the memorandum.

James E. Haney, City Attorney, said the staff memorandum appears to be argument based on the record, there is no new evidence. He noted that the applicant said there are positions that were not part of the record. He said he understood that during the hearing staff took the position that the applicant had not demonstrated need, and that is required by the city ordinance - the memorandum backed that up with a code citation. Since every Councilmember has seen the memorandum and knows the staff position, he asked Mr. Hendrickson how he proposed it be dealt with?

Mr. Hendrickson said page one, Section III of the August 19, 2003 Council memorandum states the policy question. Policy considerations are not before the Council, and this policy was not raised to the Hearing Examiner, he noted. In the context of code amendments, it might be a valid policy to raise, so the Council can evaluate whether to amend the code, but this policy question is irrelevant, he concluded.

Mr. Hendrickson referenced the bottom of page three of the August 19, 2003 Council memorandum where it says towers should not be sited in residential neighborhoods unless there is no other way to provide a signal. He stated there has not been an opportunity for people to respond to that statement, and it was not stated to the Hearing Examiner.

Mr. Haney agreed that the Council memorandum may not be appropriately phrased; it might be a matter of semantics. Regarding Mr. Hendrickson's second point, Mr. Haney said as he read the transcript, the question before the Hearing Examiner was whether or not there was a showing of need. The Hearing Examiner felt there was, but staff took a position that there was not a showing of need, he concluded.

Mr. Hendrickson said the point of the discussion is that staff is responding to the opposition that is uncharacteristic of how staff usually responds. Staff has recommended a position that changes the criteria, and now urges the Council to look at the policy statement, which is not appropriate for the Council to consider, he explained. He noted the Hearing Examiner's recommendation thoroughly addressed the criteria and found that the application should be approved. He concluded there is a substantial gap in the service, and Exhibits G and F, and Attachment N to Exhibit A to the Hearing Examiner's report show that.

Mr. Hendrickson asked to reserve the remainder of his time for rebuttal.

Mr. Haney said because it is the burden of proof of the applicant, T-Mobile, to prove that the application meets the requirements of the code, it is usually permissible to allow time for rebuttal.

Roberta Lewandowski, Director, Planning and Community Development, advised that staff sent the memorandum to every party of record, but it might not have been sent to Mr. Hendrickson.

Mayor Pro Tempore Cole asked for a representative in opposition to the application to speak for a total of ten minutes.

Yuri Alkin, 8420 143 Court NE, representing Citizens for the City of Redmond, asked the Council to deny T-Mobile's application and the Hearing Examiner's recommendation for a wireless telecommunications monopole for the following reasons:

- The need for the monopole was not established
- T-Mobile failed to explore alternative locations that could provide the coverage
- No proof was presented to show that co-location alternatives were explored
- The proposed monopole would adversely affect neighboring property values because it will be a visual blight and will change the residential character of the neighborhood
- T-Mobile repeatedly demonstrated that they are above the law by ignoring city requests, providing misleading data, failing to comply with city code, and not standing by its own assertions
- Incorrect information was presented to Hearing Examiner
- Residents testified that they did not have trouble connecting, and this testimony was dismissed as irrelevant

Mr. Hendrickson rebutted it is illogical to challenge the need aspect; these companies would not propose wireless facilities unless they are needed. He said the equipment is extremely expensive, and the radio frequency engineers identified a gap in the coverage in this geographical area. He added there are already poles all over the place, and this would be a replacement utility pole, not a new pole. He explained it takes expert evidence to determine if there is a need, and the engineers agreed uniformly that there is a gap in the service area for T-mobile that can only be addressed by a facility in this area. He urged the Council to affirm and uphold the Hearing Examiner's recommendation.

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Motion by Mr. Robinson, second by Ms. McCormick, to deny the application for a monopoly in a residential zone based on adequacy of existing service, and direct the City Attorney to bring revised findings of fact and conclusions of law for adoption at the September 16, 2003 meeting.

Councilmember Paine said effective communication seems to be the defining need, but he did not know how need can be expected to be absolute. Need has to be defined by some standard, and the applicant does not think that service standard has been met in this location, he added. He concluded he would vote against the motion.

Mr. Haney advised that the matter would remain quasi-judicial until the findings of fact and conclusions of law are adopted. He stated the Council's decision is final, and that the appeals channel is King County Superior Court.

Motion carried (6 - 1) with Paine voting nay.

#### ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 11:05 p.m.

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MAYOR PRO TEMPORE

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DEPUTY CITY CLERK